

# **EXHIBIT EEEE**

From: Tomoji 3805803 Minami/AP/MCC@MCC  
To: Nicholas USA7375 Oliva/USAP/USA@USA  
Date: 09/29/2016 11:13 AM  
Subject: Re: Attorney Client Privileged Communication

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Thank you for your quick response, Nick!  
Further, your response is exactly what I needed.

I have a little trouble that Takimoto san is getting skeptical about Josh (and Jennifer). I don't know why.  
But he definitely trusts you. So now he will rest assured by your confident words in your email.  
Probably, tomorrow we will ask Jennifer to file the motion as soon as possible.

Thank you, again.  
Good night.  
Tomoji

----Original Message----

From: Nicholas USA7375 Oliva/USAP/USA  
To: Tomoji 3805803 Minami/AP/MCC  
CC: Jouhei 2003971 Takimoto/AP/MCC, Masaru 4307069 Utsunomiya/AP/MCC  
Date: Thu Sep 29 21:32:47 JST 2016  
Sub: Re: Attorney Client Privileged Communication

> Dear Tomoji,  
>  
> Thank you. I will keep the access limited.  
>

> I agree that the strategy is reasonable and appropriate.

>  
> I understand the concerns in your email. However, I am also quite surprised by the actions of Genomatica and its legal team, as I believe Josh has evidenced. This is, unfortunately, the unpredictable nature of litigation in the USA.

>  
> [REDACTED] I had toned down the language of that filing myself to make sure the tone was serious (extension for vacation while the company bleeds money is not acceptable) but did not want us to appear combative (considering the extension would be likely anyway) in a case where the facts and law are very simple and clear

>  
> The settlement offer they provided was evidence of their tactics. In light of their desperate, unpredictable and potentially sneaky or even unethical behavior (perhaps knowing they were going to get financing while claiming imminent bankruptcy therefore inducing us toward an unreasonable settlement).

>  
> [REDACTED] We should remain calm in the face of their tactics. We should try not be combative or allow them to make the case into something larger than it is - a relatively simple breach of contract claim. I am confident Josh can do this and I remain involved and in communication on these kinds of points with Jennifer. You can imagine that litigators love to litigate. We can, however, direct the tone and strategy and will continue to do so.

>  
> I am happy to answer any questions and am happy to visit you soon.

>  
> Best regards,  
> Nick

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>  
>  
> Nicholas Oliva

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> From: Tomoji 3805803 Minami/AP/MCC@MCC  
> To: Nicholas USA7375 Oliva/USAP/USA@USA  
> Cc: Jouhei 2003971 Takimoto/AP/MCC@MCC, Masaru 4307069 Utsunomiya/AP/MCC@MCC  
> Date: 09/29/2016 07:54 AM  
> Subject: Re: Attorney Client Privileged Communication

>  
>  
> Nick,

> This email is sent to limited persons.

>  
> It seems to me personally that the strategy brought by Josh are reasonable.  
> However, to be honest with you, I am a little concerned about the fact that his prospects/forecasts were not realized in some cases so far. For example, he forecasted that GI would ask for a settlement just after we filed the complaint because (a) MCC's position is very strong and also (b) they think they do not want to waste money for such hopeless

litigation. But they did not bring satisfactory settlement offers to us and their behavior has been desperate as you see.

>

[REDACTED]

> Can you please give me your frank thoughts as to whether we should seek for a second opinion from another litigator regarding [REDACTED]. In other words, do you think that there is any possibility for us to get from another litigator any surprising good strategy which we have not come up with?. If you think it difficult, I think it is no problem to get along with Josh.

>

> Anyway, I would like to discuss also this kind of matter with you when you come to Japan.

> I hope you will have a safe trip.

>

> See you soon!!

> Tomoji

>

>

REDACT